

# Exhibit 1

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION  
No. 5:22-CV-15-FL**

ROBERT TERRACINO and  
BRADIE TERRACINO,

Plaintiffs,

v.

TRIMACO, INC.,

Defendant.

**PLAINTIFF’S (THIRD) SUPPLEMENTAL RESPONSES TO DEFENDANT’S FIRST REQUEST  
FOR PRODUCTION NO. 2**

These responses are provided in accordance only and limited to the Federal Rules of Civil Procedure and the Local Rules of the Federal Court for the Eastern District of North Carolina and Orders of this Court in this matter.

**REQUESTS FOR PRODUCTION**

**Request No. 2.**

Produce all Documents constituting or concerning any opinion or draft opinions, assessments, or evaluations made by You or on Your behalf, whether written or oral, relating to the scope, claim interpretation, infringement, validity, or enforceability of the Asserted Claims of the ’917 Patent, and including but not limited to any such documents related to Docket Entry 1-8, dated January 7, 2022.

**OBJECTIONS:**

Plaintiffs OBJECT to this discovery request to the extent that it seeks information protected under attorney work-product privilege including trial preparation material and further to the extent that it seeks information outside of the scope of the exceptions enumerated under Fed. R. Civ. P. 26(b)(4)(C).

**ANSWER:**

Neither of the Plaintiffs nor any third party have communicated with Plaintiffs’ expert Daniel

Tanner, Esq., with regards to any of the areas of inquiry in Defendant's Request for Production of Documents No. 2.

Counsel for Plaintiffs provided a physical sample of a StayPut Plus Drop Cloth to Plaintiffs' expert Daniel Tanner, Esq. for his review when forming and drafting his opinion. That drop cloth is in possession of counsel for Plaintiffs and available for inspection at his offices.

The following documents are being provided (attached) as responsive and non-privileged:

TANNER0270-271

TANNER0291-292

TANNER0295-296

TANNER0333

TANNER0336

A privilege log for those documents subject to privilege is provided as follows:

**PRIVILEGE LOG:**

**The following documents are being identified and withheld subject to attorney work-product privilege including trial preparation material privilege and further to the extent that they contain expert communications outside of the scope of the exceptions provided for under Fed. R. Civ. P. 26(b)(4)(C)(i)-(iii).**

Type	Dates	To	From	Content	No.
Email	Sept. 28, 2023	D.Tanner	D. Byers	Forwarding Defendant's proposed claim construction – not relied upon by D. Tanner for opinion	TANNER0001-2
Email	Nov. 1, 2023	D.Tanner / D.Byers	D.Byers/ D.Tanner	Forwarding Plaintiff's Opening Claim Construction Brief	TANNER0003
Email	Nov. 7-9, 2023	D.Tanner / D.Byers	D.Byers/ D.Tanner	Email chain re: obtaining new local counsel in case	TANNER0004-39
Email	July 3,	D.Tanner	D.Byers/	Email chain re:	TANNER004

	2023	/ D.Byers	D.Tanner	litigation planning – discussion of Defendant’s claim construction	0-46
Email	Feb. 3, 2022 - Aug. 3 2023	D.Tanner / D.Byers	D.Tanner / D.Byers	Email chain re: litigation planning and re: Defendant’s claim construction argument	TANNER004 7-67
Email	Aug. 23 - Nov. 15, 2023	D.Tanner / D.Byers	D.Tanner / D.Byers	Email chain re: obtaining new local counsel in case	TANNER006 8-0212
Email	Aug. 3 - 8, 2023	D.Tanner / D.Byers	D.Tanner / D.Byers	Email chain re: litigation planning related to claim construction	TANNER021 3-0221
Email	Aug. 7, 2023	D.Tanner	D.Byers	Email chain re: sending images of Stay Put drop cloth	TANNER022 2
Email	Aug. 3 - 7, 2023	D.Tanner / D.Byers	D.Tanner / D.Byers	Email chain re: litigation planning related letter from defense counsel on infringement disclosure	TANNER022 2-0225
Email	Aug. 7, 2023	D.Tanner / D.Byers	D.Tanner / D.Byers	Email re: sending images of Stay Put drop cloth	TANNER022 6
Email	Aug. 3 - 7, 2023	D.Tanner / D.Byers	D.Tanner / D.Byers	Email chain re: setting conference call and images of Stay Put drop cloth	TANNER022 6-0234
Email	Aug. 3 - Oct. 11, 2023	D.Tanner / D.Byers	D.Tanner / D.Byers	Email chain re: litigation planning related to infringement disclosure and proposed claim construction	TANNER023 5-0242
Email	June 23 – Aug. 9, 2023	D.Tanner / D.Byers	D.Tanner / D.Byers	Email chain re: litigation status and claim chart under local rules	TANNER024 3-0254
Email	June. 23, 2023	D.Tanner / D.Byers	D.Tanner / D.Byers	Email chain re: litigation status and claim chart under local rules	TANNER025 5-0256
Email	Oct. 27 -	D.Tanner	D.Tanner	Email chain re:	TANNER025

	Nov. 16, 2023	/ D.Byers	/ D.Byers	change of local counsel	7-0260
Email	Nov. 27, 2023	D.Tanner / D.Byers	D.Tanner / D.Byers	Email chain re: discovery requests for expert materials	TANNER026 1-0262
Email	Nov. 9, 2023	D.Tanner / D.Byers	D.Tanner / D.Byers	Email chain re: change of local counsel	TANNER026 3-0264
Email	June 23, 2023	D.Tanner / D.Byers Cc: W.Sykes	D.Tanner / D.Byers	Email chain re: litigation planning related to claim construction and claim chart under Local Rule 303.1	TANNER026 5-0267
Email	April 29 - 30, 2021	D.Tanner / D.Byers Cc: W.Sykes	D.Tanner / D.Byers	Email chain (redacted portion) re: initial review of Terracino case and providing expert with copies of Terracino and Trimaco patents <b>NOTE: THE EMAIL CONTAINS REDACTIONS OF COMMUNICATIONS PERTAINING TO OTHER MATTERS AND NOT THE CASE AT BAR</b>	TANNER026 8-0271
Email	April 20 – May 11, 2021	D.Tanner / D.Byers Cc: W.Sykes	D.Tanner / D.Byers	Email chain re: initial review of Terracino case and scheduling of conference call and in-person meeting regarding the same	TANNER027 6-0285; 0288-0290
Email	June 4 – July 19, 2021	D.Tanner / D.Byers Cc: W.Sykes	D.Tanner / D.Byers	Email chain (redacted) re: sending images of infringing drop cloth to expert and setting conference call to discuss the same <b>NOTE: THE EMAIL CONTAINS REDACTIONS OF COMMUNICATIONS PERTAINING TO OTHER MATTERS AND NOT THE CASE AT BAR</b>	TANNER029 1- 0294; 0297-0302

Email	July 29 - 30, 2021	D.Tanner / D.Byers	D.Tanner / D.Byers	Email chain re: setting conference call to discuss expert's initial case review	TANNER0303-0314
Email	July 30, 2021	D.Tanner / D.Byers Cc: W.Sykes	D.Tanner / D.Byers	Email chain re: authority to provide formal written opinion	TANNER0315
Email	Sept. 10, 2021	D.Tanner / D.Byers	D.Tanner / D.Byers	Email chain re: follow up on timeline for formal written opinion	TANNER0321-0322
Email	June 23, 2023	D.Tanner / D.Byers	D.Tanner / D.Byers	Email chain re: litigation planning related to claim construction and claim chart under Local Rule 303.1	TANNER0321-0322
Email	Sept. 22, 2021	D.Tanner / D.Byers	D.Tanner / D.Byers	Email chain (redacted portion) re: litigation planning related to claim construction <b>NOTE: THE EMAIL CONTAINS REDACTIONS OF COMMUNICATIONS PERTAINING TO OTHER MATTERS AND NOT THE CASE AT BAR</b>	TANNER0333
Email	Nov. 4, 2021	D.Byers	D.Tanner	Email re: timeline for written opinion	TANNER0349
Email	Dec. 1, 2021	D.Tanner	D.Tanner	Email re: draft opinion	TANNER0360
Email	Feb. 3, 2022	D.Tanner / D.Byers Cc: W.Sykes	D.Tanner / D.Byers	Email chain re: litigation planning related to claim construction	TANNER363-0368

### **CERTIFICATE OF SERVICE**

I hereby certify that on August 23, 2024, I served the foregoing via electronic mail on:

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